

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
<b>Caption in Compliance with D.N.J. LBR 9004-2(c)</b> MILSTEAD & ASSOCIATES, LLC By: Andrew M. Lubin Atty. ID: AL0814 1 E. Stow Road Marlton, NJ 08053 (856) 482-1400 File No. 227452-3 Attorneys for Secured Creditor: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company	
In Re:  Joelle A. Joseph	Case No.: 18-25744-SLM Chapter 13  Hearing Date: October 10, 2018 Time: 9:00 AM  Judge: Stacey L. Meisel

### **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company (“Secured Creditor”), by its counsel, Andrew M. Lubin, Esquire, of MILSTEAD & ASSOCIATES, LLC, states the following grounds as an Objection to Confirmation of Debtor’s Chapter 13 Plan:

1. On August 6, 2018, Debtor, Joelle A. Joseph, filed a petition pursuant to Chapter 13 of Title 11 of the United States Code in the United States Bankruptcy Court for the District of New Jersey.
2. Secured Creditor is the holder of a first mortgage on real property owned by the Debtor known as and located at 8 N. 20th Street, East Orange, NJ 07017 (the “Property”).
3. Secured Creditor has not yet filed its Proof of Claim in this matter, but anticipates doing so shortly. As such, Secured Creditor reserves the right to supplement this objection.
4. As will be more fully set forth in the aforementioned proof of claim, as of the date of the filing of the instant Chapter 13 petition, total arrears due to Secured Creditor through the Plan at this time are anticipated to be approximately \$51,669.40.
5. Debtor’s Chapter 13 Plan proposes a loan modification rather than a cure of prepetition

mortgage arrears.

6. Secured Creditor objects in the event that Debtor has not sought application to the Court's Loss Mitigation Program by the time of the confirmation hearing in this matter.

7. Secured Creditor objects in the event that Debtor has been admitted to the Court's Loss Mitigation Program and has failed to timely perform pursuant to an entered Loss Mitigation Order.

8. Secured Creditor objects in the event that Debtor seeks to do a modification outside of the Court's program and does not at the time of the confirmation hearing provide proof of a completed modification packet having been submitted to the secured creditor.

9. Secured Creditor objects in the event that Debtor is not current with adequate protection payments at the time of the confirmation hearing.

10. Secured Creditor objects to the Debtor's Chapter 13 Plan as same does not propose to cure the entire pre-petition delinquency due to Secured Creditor and thus the Plan is not feasible as filed and obtaining a loan modification is speculative.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Chapter 13 Plan for the reasons hereinabove set forth.

DATED: September 6, 2018

Respectfully submitted  
MILSTEAD & ASSOCIATES, LLC

/s/Andrew M. Lubin  
Andrew M. Lubin, Esquire  
Attorney ID No. AL0814  
1 E. Stow Road  
Marlton, NJ 08053  
(856) 482-1400  
Attorneys for Secured Creditor

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**CERTIFICATION OF SERVICE**

- I, Andrew M. Lubin, Esquire:
  - ☒ represent the Secured Creditor in the above-captioned matter.
  - ☐ am the secretary/paralegal for \_\_\_\_\_, who represents the \_\_\_\_\_ in the above captioned matter.
  - ☐ am the \_\_\_\_\_ in the above case and am representing myself.
- On September 6, 2018, I sent a copy of the following pleadings and/or documents to the parties listed in the chart below:

Objection to Confirmation of Chapter 13 Plan

- I hereby certify under penalty of perjury that the above documents were sent using the mode of service indicated.

DATED: September 6, 2018

/s/ Andrew M. Lubin

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
Marie-Ann Greenberg Chapter 13 Standing Trustee 30 Two Bridges Road Suite 330 Fairfield, NJ 07004	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Robert B. Davis, Esquire Davis Law Center, LLC 551 Summit Avenue Suite 2nd Floor Jersey City, NJ 07306	Debtor's Attorney	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)
Joelle A. Joseph 8 N. 20th Street East Orange, NJ 07017	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by the court *)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.